



Receipt  
JAN

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

In re application of: )  
)  
Applicant: Tebbutt et al. )  
)  
For: MOUTHPIECE )  
)  
Serial No.: 10/538,239 )  
)  
Filed: January 3, 2006 )  
)  
Art Unit: 3761 )  
)  
Atty. Docket No.: 1171/43247/160-PCT-US )

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on	
<u>July 11, 2006</u>	Date
<u>Tiffany E. Lynch</u>	Tiffany E. Lynch

**SECOND REQUEST FOR CORRECTED FILING RECEIPT**

Office of Initial Patent Examination Customer Service Center  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant, by and through its attorneys of record, respectfully requests a report as to the status of the Corrected Filing Receipt in the above-noted application. A "Request for Corrected Filing Receipt", copy enclosed, was submitted to the United States Patent and Trademark Office on March 10, 2006 to correct inventor Blair Albert Neal's residence from "Victoria, Australia" to "Victoria, Seychelles", as is listed on the Executed Declaration and Power of Attorney. As of the date of this letter, the online records of the United States Patent and Trademark Office (the PAIR system) have not been updated in conformance with our afore-mentioned Requests, nor has a Corrected Filing Receipt been received in this matter.

Applicant requests that the United States Patent and Trademark Office issue a Corrected Filing Receipt in conformance with changes made in the previous request.

If there are any questions or comments, please contact either of the undersigned attorneys.

It is believed that no fee is required. If such a fee is required, however, the Commissioner is authorized to charge Deposit account No. 20-1495 for this fee and any amount necessary to cover any additional costs associated with this Request or to credit any overpayment.

Date:

*July 11, 2006*

Respectfully submitted,

By:

*Raiford A. Blackstone*

Raiford A. Blackstone, Reg. No. 25,156

Linda L. Palomar, Reg. No. 37,903

Attorney for Applicant

TREXLER, BUSHNELL, GIANGIORGI,

BLACKSTONE & MARR, LTD.

105 West Adams Street, 36th Floor

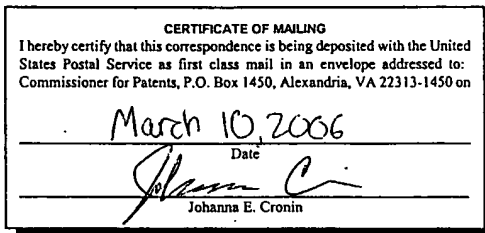
Chicago, Illinois 60603-6299

(312) 704-1890



IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

In re application of: )  
Applicant: Tebbutt et al. )  
For: MOUTHPIECE )  
Serial No.: 10/538,239 )  
Filed: January 3, 2006 )  
Art Unit: 3761 )  
Atty. Docket No.: 1171/43247/160-PCT-US )



REQUEST FOR CORRECTED FILING RECEIPT

Office of Initial Patent Examination Customer Service Center  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COPY

Dear Sir:

Enclosed is a copy of the Filing Receipt received in the above-identified application.

This Filing Receipt is in error because it lists the residence of inventor Blair Albert Neal as "Victoria, Australia" whereas the correct residence is "Victoria, Seychelles", as is listed on the Executed Declaration and Power of Attorney. Applicant hereby encloses a copy the executed Declaration and Power of Attorney demonstrating the correct address and a revised Application Data Sheet to correspond to the address provided on the Declaration and Power of Attorney.

In addition, Applicant encloses a copy of the Filing Receipt with the change marked thereon. Please make this change and forward a corrected Filing Receipt to us.

It is believed that no fee is required. If such a fee is required, however, the Commissioner is authorized to charge Deposit account No. 20-1495 for this fee and any amount necessary to cover any additional costs associated with this Request or to credit any overpayment.

COPY

Respectfully submitted,

Date: Mar. 10, 2006

By: Raiford A. Blackstone  
Raiford A. Blackstone, Reg. No. 25,156  
Linda L. Palomar, Reg. No. 37,903  
Attorney for Applicant  
TREXLER, BUSHNELL, GIANGIORGI,  
BLACKSTONE & MARR, LTD.  
105 West Adams Street, 36th Floor  
Chicago, Illinois 60603-6299  
(312) 704-1890



# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

1171/43247/160-PCT-US

I, the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: MOUTHPIECE, the specification of which

(check one) ☐ is attached hereto.

☒ was filed on December 5, 2003 as Application Serial No

PCT/NZ2003/000269

and was amended on June 3, 2005  
(if applicable)

COPY

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

## Prior Foreign Application(s)

## Priority Claimed

<u>523020</u> (Number)	<u>New Zealand</u> (Country)	<u>06/12/2002</u> (Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No
<u>524982</u> (Number)	<u>New Zealand</u> (Country)	<u>26/03/2003</u> (Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No
<u>528222</u> (Number)	<u>New Zealand</u> (Country)	<u>12/09/2003</u> (Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No
<u>528646</u> (Number)	<u>New Zealand</u> (Country)	<u>02/10/2003</u> (Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below; insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No
-------------------	--------------------	---------------------------------	---

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Lewis T. Steadman, Reg. No. 17,074; Richard A. Giangiorgi, Reg. 24,284; Raiford A. Blackstone, Jr., Reg. 25,156; David J. Marr, Reg. 32,915; Robert J. Depke, Reg. 37,607; Linda L. Palomar, Reg. 37,903; James R. Foley, Reg. 39,979; James A. O'Malley, Reg. 45,952 and Paige A. Kitzinger, Reg. 45,219.

SEND CORRESPONDENCE TO: TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD.  
105 W. ADAMS STREET, CHICAGO, IL 60603

DIRECT TELEPHONE CALLS TO: (312) 704-1890 RAIFORD A. BLACKSTONE, JR.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first or sole inventor ADAM ALEXANDER TEBBUTT  
Inventor's signature \_\_\_\_\_  
Residence Auckland, New Zealand  
Citizenship New Zealand  
Post Office Address 6 Mt. St. John Avenue, Epsom, Auckland, New Zealand  
(Supply similar information and signature for second and subsequent joint inventors.)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of second inventor BLAIR ALBERT NEAL  
Inventor's signature \_\_\_\_\_  
Residence Victoria, Mahé, Seychelles  
Citizenship New Zealand  
Post Office Address C/O Hunt Deltel & Co. Ltd, 2<sup>nd</sup> Floor Trinity House, P.O. Box 14, Victoria, Mahé, Seychelles

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of third inventor LEWIS GEORGE GRADON  
Inventor's signature [Signature] 10/8/05  
Residence Auckland, New Zealand  
Citizenship New Zealand  
Post Office Address 22 Brailsford Court, Howick, Auckland, New Zealand

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of fourth inventor ALASTAIR EDWIN MCAULEY  
Inventor's signature [Signature] 10/8/05  
Residence Auckland, New Zealand  
Citizenship New Zealand  
Post Office Address 58A Ngapuhi Road, Remuera, Auckland, New Zealand

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of fifth inventor MARK JOSEPH HAYCOCK  
Inventor's signature [Signature]  
Residence England, United Kingdom  
Citizenship New Zealand  
Post Office Address 30A Henley Street, Oxford, OX4 1ES, United Kingdom

COPY

COPY

SEND CORRESPONDENCE TO: TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD.  
105 W. ADAMS STREET, CHICAGO, IL 60603

DIRECT TELEPHONE CALLS TO: (312) 704-1890 RAIFORD A. BLACKSTONE, JR.

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Full name of first or sole inventor ADAM ALEXANDER TEBBUTT  
Inventor's signature [Signature]  
Residence Auckland, New Zealand  
Citizenship New Zealand  
Post Office Address 6 Mt. St. John Avenue, Epsom, Auckland, New Zealand

(Supply similar information and signature for second and subsequent joint inventors.)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of second inventor BLAIR ALBERT NEAL  
Inventor's signature \_\_\_\_\_  
Residence Victoria, Mahé, Seychelles  
Citizenship New Zealand  
Post Office Address C/O Hunt Deltel & Co. Ltd, 2<sup>nd</sup> Floor Trinity House, P.O. Box 14, Victoria, Mahé, Seychelles

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Full name of third inventor LEWIS GEORGE GRADON  
Inventor's signature \_\_\_\_\_  
Residence Auckland, New Zealand  
Citizenship New Zealand  
Post Office Address 22 Brailsford Court, Howick, Auckland, New Zealand

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Full name of fourth inventor ALASTAIR EDWIN MCAULEY  
Inventor's signature \_\_\_\_\_  
Residence Auckland, New Zealand  
Citizenship New Zealand  
Post Office Address 58A Ngapuhi Road, Remuera, Auckland, New Zealand

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105 W. ADAMS STREET, CHICAGO, IL 60603

DIRECT TELEPHONE CALLS TO: (312) 704-1890 RAIFORD A. BLACKSTONE, JR.

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Full name of first or sole inventor ADAM ALEXANDER TEBBUTT  
Inventor's signature \_\_\_\_\_  
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(Supply similar information and signature for second and subsequent joint inventors.)



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Full name of second inventor BLAIR ALBERT NEAL  
Inventor's signature Blair Neal  
Residence Victoria, Mahé, Seychelles  
Citizenship New Zealand  
Post Office Address C/O Hunt Deltel & Co. Ltd, 2<sup>nd</sup> Floor Trinity House, P.O. Box 14, Victoria, Mahé, Seychelles

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Full name of third inventor LEWIS GEORGE GRADON  
Inventor's signature \_\_\_\_\_  
Residence Auckland, New Zealand  
Citizenship New Zealand  
Post Office Address 22 Brailsford Court, Howick, Auckland, New Zealand

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Full name of fourth inventor ALASTAIR EDWIN McAULEY  
Inventor's signature \_\_\_\_\_  
Residence Auckland, New Zealand  
Citizenship New Zealand  
Post Office Address 58A Ngapuhi Road, Remuera, Auckland, New Zealand

B.N.





## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

*F.P.H. Case 160-A1*  
*US*

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/538,239	01/03/2006	3761	1390	1171/43247/160-PCT-US	26	10	2

279

TREXLER, BUSHNELL, GIANGIORGI,  
BLACKSTONE & MARR, LTD.  
105 WEST ADAMS STREET  
SUITE 3600  
CHICAGO, IL 60603



**RECEIVED**  
**FILING RECEIPT**

FEB 28 2006

TREXLER, BUSHNELL, GIANGIORGI,  
BLACKSTONE & MARR, LTD.

CONFIRMATION NO. 3586



\*OC000000018103799\*

**COPY**  
Date Mailed: 02/22/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Adam Alexander Tebbutt, Auckland, NEW ZEALAND;  
Blair Albert Neal, Victoria, ~~AUSTRALIA~~ SEYCHELLES  
Lewis George Gradon, Auckland, NEW ZEALAND;  
Alastair Edwin McAuley, Auckland, NEW ZEALAND;  
Mark Joseph Haycock, Oxford, UNITED KINGDOM;

Power of Attorney: The patent practitioners associated with Customer Number **279**

**COPY**

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/NZ03/00269 12/05/2003

## Foreign Applications

NEW ZEALAND 523020 12/06/2002  
NEW ZEALAND 524982 03/26/2003  
NEW ZEALAND 528222 09/12/2003  
NEW ZEALAND 528646 10/02/2003

CASE:

FILE #:

DUE

Projected Publication Date: 06/01/2006

Non-Publication Request: No

DUE

Early Publication Request: No



Title

Mouthpiece

Preliminary Class

604

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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### LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

#### GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted

under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1459  
Alexandria, Virginia 22313-1459  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/538,239	Adam Alexander Tebbutt	1171/43247/160-PCT-US

279  
TREXLER, BUSHNELL, GIANGIORGI,  
BLACKSTONE & MARR, LTD.  
105 WEST ADAMS STREET  
SUITE 3600  
CHICAGO, IL 60603



INTERNATIONAL APPLICATION NO.	
PCT/NZ03/00269	
I.A. FILING DATE	PRIORITY DATE
12/05/2003	12/06/2002

CONFIRMATION NO. 3586

371 ACCEPTANCE LETTER



\*OC00000018103800\*

Date Mailed: 02/22/2006

## NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office, in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>01/03/2006</u>	<u>01/03/2006</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 06/03/2005
- Copy of the International Search Report filed on 06/03/2005
- Copy of IPE Report filed on 06/03/2005
- Preliminary Amendments filed on 06/03/2005
- Information Disclosure Statements filed on 06/03/2005
- Oath or Declaration filed on 01/03/2006
- Request for Immediate Examination filed on 06/03/2005
- U.S. Basic National Fees filed on 06/03/2005
- Priority Documents filed on 06/03/2005

COPY

Page 1 of 1

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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

---

PATRICIA A BOOKER  
Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)

COPY

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